

EXHIBIT N

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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ALEXANDRA RASEY-SMITH;
GORDON GENE MACCANI; and
JANET MACCANI,

Plaintiffs,

v.

Case No.
2:24-cv-03265-PSG-SSC

CITY OF LOS ANGELES; CALEB
GARCIA ALAMILLA; and DOES
2-10, inclusive,

Defendants.

/

STENOGRAPHIC REPORTER'S TRANSCRIPT OF
REMOTE DEPOSITION OF
JEFFREY PUNZALAN
FRIDAY, NOVEMBER 7, 2025

Reported Stenographically by:

KIMBERLY D'URSO, CSR 11372, RPR

Job No. 21081

1 A. Yes.

2 Q. How many times, approximately?

3 A. Over 50 times.

4 Q. Were you trained as a police officer you can
5 shoot someone merely for seeing gun in their hand?

6 A. No.

7 Q. Before you became a sergeant, had you seen
8 suspects with knives in their hands before?

9 A. Yes.

10 Q. How many times, approximately?

11 A. Approximately, the same amount, 50.

12 Q. Were you trained as a law enforcement officer
13 you can shoot someone merely for seeing a knife in their
14 hand?

15 A. No.

16 Q. After you became a sergeant, but before this
17 incident with Mr. Maccani -- so during that
18 approximately ten months -- had you seen any suspect's
19 with guns or knives in their hand?

20 A. Guns, no. Knives and other weapons, yes.

21 Q. Okay.

22 (Sound interruption.)

23 (Pause.)

24 BY MR. GALIPO:

25 Q. Sergeant, how many other incidents, after you

1 were a sergeant but before this incident with
2 Mr. Maccani, did you see someone with a knife or other
3 weapon in their hand?

4 A. I would say, 10 to 15, approximately.

5 Q. These approximate 50 or so people that you saw
6 with guns in their hands, prior to being a sergeant, did
7 you shoot any of those people?

8 A. No.

9 Q. These approximate 50 people or so that you saw
10 with knives in their hands, before becoming a sergeant,
11 did you shoot any of those people?

12 A. No.

13 Q. And the 10 to 15 people you saw with weapons in
14 their hands, after becoming a sergeant but before this
15 incident, did you shoot any of those people?

16 A. No.

17 Q. In addition to the knives that you saw, what
18 other types of weapons did you see in people's hands,
19 after becoming a sergeant?

20 A. A lot was poles, shovels, chains, long chains,
21 heavy chains. Obviously, the knives. Machetes.

22 Q. Okay. Had you been ever present before for an
23 officer-involved shooting, where you actually were on
24 scene when shots had been fired?

25 A. No.

1 reporting?

2 A. Yes.

3 Q. And was that one individual or more than one
4 that you spoke to?

5 A. I spoke to one individual.

6 Q. Was that a male or female, if you recall?

7 A. It was a male.

8 Q. And if you know, was that conversation captured
9 on someone's body-worn camera?

10 A. Yes.

11 Q. What information do you recall receiving from
12 the male individual?

13 A. I specifically asked him if he wanted a
14 trespass, a private person's arrest signed, if the
15 suspect was still at the location and refusing to leave.

16 Q. And what did the person say?

17 A. He said "yes."

18 Q. Is that a misdemeanor trespass?

19 A. Yes.

20 Q. Did you ask the individual whether the person
21 had any weapons that he saw?

22 A. From what I recall, I did not ask, but one of
23 the officers at scene did.

24 Q. And do you recall the response?

25 A. Yes. They said that there's a -- scissors and

1 Q. Did anyone say he had verbally threatened to
2 harm anyone?

3 A. Not that I recall.

4 Q. Did you have any information that the person
5 had a criminal record or history?

6 A. No.

7 Q. Any information they were under the influence
8 of drugs or alcohol?

9 A. No. But the person reporting did state that
10 the subject was a little "off."

11 Q. Like, not in their right state of mind?

12 A. Yes.

13 Q. You consider the possibility that the person
14 could have a mental illness or be having a mental health
15 crisis?

16 A. Yes, possibly. But on top of that, I mean, I
17 work Skid Row area, and it's a mixture of mental
18 illnesses and drug abuse, so --

19 Q. So you considered those possibilities?

20 A. Yes.

21 Q. At some point, did you learn the person was on
22 the fourth floor?

23 A. Yes.

24 Q. And you were the supervisor on scene?

25 A. Yes.

1 Q. At some point, did you make assignments, as far
2 as lethal, less lethal, and arrest team?

3 A. Yes, I did.

4 Q. And where did you make the assignments? Were
5 you on the fourth floor or somewhere else when you
6 initially made the assignments?

7 A. I was on the floor --

8 (Reporter clarification.)

9 THE WITNESS: -- below the third floor landing.

10 BY MR. GALIPO:

11 Q. How many officers were with you, approximately,
12 at that time on the third floor?

13 A. Approximately, I believe it was eight, on the
14 third floor with me.

15 Q. How many officers did you assign lethal cover,
16 if you remember?

17 A. One.

18 Q. Do you recall who that was?

19 A. Yes, Officer Orozco.

20 Q. And my understanding from reviewing your
21 statement is that when you got to the scene, you noticed
22 the one officer had a bean bag shotgun; is that right?

23 A. Yes.

24 Q. Do you recall who that was?

25 A. Officer Rodriguez.

1 Q. So did you assign less lethal to Officer
2 Rodriguez?

3 A. Well, since she had it out, she was already
4 assigned it.

5 Q. Okay.

6 A. It was implied.

7 Q. And then did you see someone with a
8 40-milimeter launcher?

9 A. I did, yes.

10 Q. And who was that?

11 A. Officer Chomuk.

12 Q. I think we have the spelling, but do you recall
13 how to spell that?

14 A. Yes. C-H-O-M-U-K.

15 Q. Thank you.

16 Did you assign anyone else less lethal?

17 A. No.

18 Q. How about the arrest team? Who did you assign
19 to the arrest team?

20 A. I assigned Officer Garcia and Officer Quintero.

21 Q. Were there any other assignments of the other
22 officers?

23 A. Officer Jauregui, which was our contact
24 officer.

25 Q. Was she going to be giving some of the verbal

1 commands?

2 A. Yes.

3 Q. Any other assignments you can recall?

4 A. No, other than the Officer Klimek and his
5 probationary officer, Melgar, I advised him to stay down
6 with the victims to get the private person's arraign- --
7 private person's arrest started.

8 (Reporter clarification.)

9 THE WITNESS: Yeah. The first one is Officer
10 Klimek, and his partner was Officer Melgar.

11 BY MR. GALIPO:

12 Q. So if I'm understanding you correctly,
13 Sergeant, they stayed outside with the reporting party?

14 A. Yes, they stayed on the third floor.

15 Q. Third floor.

16 So in a situation like this, you're potentially
17 going to arrest the person for trespassing; is that the
18 idea?

19 A. Yes.

20 Q. And as we discussed before, that's a
21 misdemeanor?

22 A. Yes.

23 Q. Is there paperwork you need to have filled out
24 to do the misdemeanor arrest, under these circumstances?

25 A. I -- can you clarify that question? I'm not

1 understanding that.

2 Q. Yeah. That's not a good question.

3 Does the reporting party have to sign something
4 for you to make a misdemeanor arrest, in a situation like
5 this?

6 A. In this situation, yes.

7 Q. And did they sign something, if you know,
8 before you entered the fourth floor?

9 A. That, I don't know, if they signed it before
10 or -- before I went up there.

11 Q. Do you recall any conversation with respect to,
12 if the person leaves, or is willing to leave, and law
13 enforcement escorts them out, then they don't want to
14 make an arrest?

15 A. I don't recall.

16 Q. So I take it, as a supervisor in this type of
17 scenario, you want to safely take the person in custody,
18 if possible?

19 A. Of course.

20 Q. With the minimal amount of force?

21 A. Yes, of course.

22 Q. And as a supervisor, you're concerned for
23 everyone's safety: the officers, the suspect, and the
24 community? Is that fair?

25 A. Yes.

1 A. Yes.

2 Q. Could you tell if it struck Mr. Maccani?

3 A. I could not.

4 Q. And after the 40-milimeter was deployed, did
5 you hear any bean bag shotgun rounds being deployed?

6 A. I did.

7 Q. How many of those did you hear?

8 A. One.

9 Q. And did you know who was firing that?

10 A. Yes. Officer Rodriguez.

11 Q. And could you tell how far the bean bag shotgun
12 was from Mr. Maccani when that was deployed?

13 A. About the same time -- the same approximation,
14 8 to 10 feet.

15 Q. Did you have a firearm on you?

16 A. I did.

17 Q. Did you ever pull it out at any time prior to
18 having physical contact with Mr. Maccani?

19 A. I did not.

20 Q. Do you know if Officer Orozco fired his lethal?

21 A. At that time?

22 Q. Yes.

23 A. No.

24 Q. Did you -- other than Officer Orozco having his
25 firearm out, did you see any other officer with his

1 firearm out prior to handcuffing Mr. Maccani?

2 A. No.

3 Q. You, at some point, had physical contact with
4 Mr. Maccani?

5 A. Yes.

6 Q. You grabbed his arm at some point; is that
7 correct?

8 A. Yes.

9 Q. You were trying to control him and pin him
10 against the wall?

11 A. Yes.

12 Q. And one of the reasons you were doing that is
13 to try to overt the need for any additional force or any
14 high use of force?

15 A. Correct.

16 Q. At some point, you took him to the ground?

17 A. Yes.

18 Q. And at some point, handcuffs were placed on him
19 by other officers?

20 A. Yes.

21 Q. Up until the time he was handcuffed, did you
22 know that any of the officers had used lethal force?

23 A. Right after handcuffing.

24 Q. So it was after he was handcuffed, shortly
25 after that, that you found that out?

1 A. Yes.

2 Q. And how did you discover that, if you remember?

3 A. The officers stated it.

4 Q. At any point in time prior to you having
5 physical contact with Mr. Maccani, did you hear anybody
6 give a warning that less lethal was going to be used?

7 A. No.

8 Q. Did you hear anybody give a warning that deadly
9 force was going to be used?

10 A. No.

11 Q. Did you hear anyone yell, "Drop it," or words
12 to that effect?

13 A. Not that I recall.

14 Q. Did you hear anyone yell, "Knife" or "He has a
15 knife" at any time before you had physical contact with
16 him?

17 A. No, not that I recall.

18 Q. Did you inquire as to who fired the lethal
19 shot?

20 A. I did.

21 Q. And were you told?

22 A. Yes, I was.

23 Q. And what were you told?

24 A. I was told that Officer Garcia fired one round.

25 Q. Did you see any injury on Mr. Maccani?

1 A. Yes. And I see that it says that I said
2 "effective," but it should have read "ineffective."

3 Q. Oh, okay.

4 A. Yeah.

5 Q. Just so I'm not going crazy, you did see the
6 part where you --

7 A. I did.

8 Q. -- said you thought it was effective?

9 A. Yes. Those statements should have been
10 "ineffective," if we review the actual audio of that --
11 that --

12 Q. You think that it is a mis-transcription?

13 A. Yes, definitely.

14 Q. When you grabbed Mr. Maccani and pinned him
15 against the wall, was he resisting?

16 A. Yes, still, at that time, against the wall.

17 Q. Okay. And how was he resisting you at that
18 time?

19 A. He was trying to pull away from me, from my
20 grasp.

21 Q. Any other way that he was resisting you at that
22 time?

23 A. No. He just -- I felt him trying to pull away
24 from my grasp.

25 Q. Did you ever see Mr. Maccani punch anyone?

1 A. No.

2 Q. Did you see him attempt to punch anyone?

3 A. Punch? No.

4 Q. Did you hear him use any profanity?

5 A. No, just yelling.

6 Q. Did you hear him verbally threaten to harm
7 anyone?

8 A. No.

9 Q. Did you see him kick or attempt to kick anyone?

10 A. No.

11 Q. At some point, did you realize you had some
12 type of injury to one of your hands?

13 A. Yes.

14 Q. Which hand was that?

15 A. It was my right hand.

16 Q. And where was the injury, if you recall?

17 A. It was on the webbing between my thumb and
18 pointing finger.

19 Q. Is it your understanding now that there may
20 have been a graze wound or something from the bullet?

21 A. Yes.

22 Q. I take it you didn't realize that -- initially,
23 that you had been struck with one of the bullets? You
24 learned that later or realized that later?

25 A. Yes.

1 Q. When you initially heard the 40-millimeter
2 being deployed, did it sound like a loud bang?

3 A. Yes.

4 Q. And then with the bean bag rounds, you heard
5 two consecutive bangs?

6 A. Yes.

7 Q. Do you know how much time passed between the
8 40-millimeter and the bean bag round?

9 A. I don't; but it was -- it was within seconds.

10 Q. Pretty quick?

11 A. Yeah, real quick.

12 Q. The reporting party told you something to the
13 effect that the individual did not seem to be in his
14 right state of mind?

15 A. Yes.

16 Q. Other than your physical injury from getting
17 grazed by the bullet, were you aware of any other
18 physical injuries any of the officers had in this
19 incident?

20 A. No.

21 Q. Do you recall any commands given to Mr. Maccani
22 after he started advancing towards the officers?

23 A. No.

24 Q. Was there a reason why you didn't designate
25 someone to be a Tasing officer?

1 A. No. I mean, I believe at that time, we had
2 enough resources.

3 Q. Obviously, if someone felt it was necessary to
4 deploy their Taser, they could do that?

5 A. Absolutely.

6 Q. When you grabbed Mr. Maccani, did he have his
7 back towards you, initially?

8 A. Yes.

9 Q. And essentially, you would have bear-hugged him
10 and pinned him against the wall?

11 A. Yes.

12 Q. So are you saying that, initially, you thought
13 it was just one bean bag round because -- or are you
14 saying that you heard two bean bag rounds, initially?

15 A. So I heard two bangs. So from my assumption at
16 the time, the bean bag and the 40 -- the first round of
17 the bag and the 40 went off. And then the second round
18 of the bean bag went off, and that's what I heard.

19 So it was bean bag and the first -- the 40 and
20 the first bean bag round came off at the same time. But
21 obviously, the 40's a lot louder, so it kind of, I
22 guess, muffled the bean bag; and then I heard the second
23 bean bag round go off.

24 Q. I see.

25 A. Yeah.

1 Q. So the first -- the 40 and the bean bag were
2 very close in time with each other?

3 A. Correct. Yes.

4 Q. And then there was a slight pause, and then you
5 heard the bean bag round?

6 A. Yes.

7 Q. So you're saying initially you thought it was
8 one, because the first bean bag round was kind of
9 covered up, to some extent, by the 40?

10 A. Yes.

11 Q. But you didn't realize there had been a lethal
12 round fired until after he was handcuffed?

13 A. Yes. Correct.

14 Q. Did you ever see Mr. Maccani grab any of the
15 officers?

16 A. No, just charge towards them.

17 Q. And I think you've already told me this, but
18 you took him to the ground at some point?

19 A. I did, yes.

20 Q. At any time, did you assign PO1 Garcia to be a
21 designated lethal cover officer?

22 A. No, I did not.

23 Q. Were you aware that he was on probation at the
24 time?

25 A. Yes.

1 Q. Would you generally, as a supervisor, assign a
2 probationary officer to be lethal cover?

3 A. Generally, no.

4 MR. FORD: Objection. Incomplete hypothetical.
5 Calls for speculation.

6 Go ahead and answer.

7 BY MR. GALIPO:

8 Q. You may answer, Sergeant.

9 A. Generally, no.

10 Q. You would want someone more experienced with
11 that assignment, generally?

12 A. Yes.

13 Q. And if I'm understanding correctly, you
14 assigned Garcia to be on the arrest team?

15 A. Yes. Correct.

16 Q. And what does that assignment entail, being on
17 the arrest team?

18 A. Well, once the suspect is compliant, those
19 officers will go ahead and approach the suspect or
20 subject and place him in handcuffs.

21 Q. Did you have any question in your mind that
22 when you gave the assignment to Garcia to be on the
23 arrest team -- were you convinced that he understood the
24 assignment?

25 A. Of being an arrest team member?

1 Q. Yes.

2 MR. FORD: I'm going to object that it calls
3 for speculation.

4 But go ahead and answer.

5 BY MR. GALIPO:

6 Q. Let me ask it in a better way.

7 Did you communicate to Garcia that he was going
8 to be part of the arrest team?

9 A. Yes, I did.

10 Q. And did you have the impression that he
11 understood the assignment?

12 A. Yes.

13 Q. And what did you observe that gave you
14 impression that he understood his assignment to be on
15 the arrest team?

16 A. So when I assigned him and Officer Quintero to
17 be part of the arrest team, both officers nodded, yes,
18 that they understood.

19 Q. Is that one of the things you do, sometimes as
20 a sergeant, make sure your officers are understanding
21 their assignments?

22 A. Not "sometimes," all the time.

23 Q. And is it important, from your perspective as a
24 sergeant, that your officers understand their
25 assignments?

1 A. Yes, of course.

2 Q. And that they "follow their roles," so to
3 speak?

4 A. Yes. But like I said, tactics change, and, you
5 know, that dictates what officers see and -- and react
6 to.

7 Q. Did you take some photographs on the -- at the
8 scene, afterwards, with your phone?

9 A. I did.

10 Q. What were you taking photographs of, if you
11 recall?

12 A. Well, they used my phone to take photographs of
13 my injuries.

14 Q. Oh, I see.

15 A. It's a city cell phone.

16 Q. Okay. So do you know if photographs with your
17 phone were taken of anything other than your injury?

18 A. My personal phone?

19 Q. Yes, or your City phone. I guess it's a City
20 phone?

21 A. Yeah. The city phone, yes, they took pictures
22 of my -- my injuries. That's all I recall.

23 Q. Okay. Was there some roll call that day where
24 you were discussing the use of less-lethal items, when
25 feasible, rather than lethal, like the bean bag round

1 and the 40-milimeter?

2 A. Yes.

3 Q. Were you part of that roll call?

4 A. I was. I gave that roll call.

5 Q. Okay. And were the officers that were involved
6 in this incident with Mr. Maccani at that roll call?

7 A. Yes.

8 Q. I take it part of the goal is to use less
9 lethal rather than lethal, when feasible?

10 A. Yes.

11 Q. And that's because of the training on the
12 reverence for human life?

13 A. Correct. But that also includes the life of
14 officers.

15 Q. Understood. Does -- LAPD, obviously, has
16 training with respect to the use of the deadly force;
17 correct?

18 A. Correct.

19 Q. And part of that training is there needs to be
20 immediate or imminent threat of death or serious bodily
21 injury?

22 A. Yes.

23 Q. And is part of the training that there has to
24 be the ability, opportunity, and apparent intent to
25 immediately cause death or serious bodily injury?

1 A. I don't recall, no, seeing anything.

2 Q. And you don't recall anyone pointing it out to
3 you?

4 A. I don't recall, no.

5 Q. Did you, yourself, at any time, see a knife on
6 Mr. Maccani?

7 A. A knife, no.

8 MR. GALIPO: Okay. I think we've been going
9 almost an hour. But is this a good time to take our
10 first ten-minute break? I'm hoping I can get done by
11 2:30, no later than 2:45.

12 MS. COLEMAN: Works for me.

13 MR. FORD: Yes. It's a good time.

14 MR. GALIPO: Okay. Thank you, all.

15 (Break taken.)

16 BY MR. GALIPO:

17 Q. Are you ready to continue, Sergeant?

18 A. Yes, sir.

19 Q. When Mr. Maccani was on the ground, after you
20 took him to the ground, were you or other officers
21 holding him down for some period?

22 A. Yes, to place the handcuffs on him.

23 Q. And when he was handcuffed, he would have been
24 in a prone or chest-down position?

25 A. Yes.

1 Q. Do you know who handcuffed him or assisted you?

2 A. I don't.

3 Q. Could you tell whether he was struck by the

4 40-millimeter round?

5 A. At that time, no.

6 Q. Could you tell whether he was struck by

7 either -- by the bean bag shotgun round?

8 A. No.

9 Q. Do you have an estimate as to how long it took

10 the paramedics to get there?

11 A. I -- if I have to have an approximate, maybe

12 five to seven minutes.

13 Q. Do you know if Mr. Maccani was still alive when

14 the paramedics got there?

15 A. I don't know.

16 Q. Did you have any discussion with any of the

17 reporting parties, after the shooting?

18 A. No, I did not.

19 Q. Did you talk at all to Officer Garcia after the

20 shooting?

21 A. Like, immediately after, or?

22 Q. At any time after you learned that he fired?

23 A. No. He was monitored by another sergeant at

24 that time.

25 Q. So in dealing with people in that area that may

1 have a mental health -- may have mental health issues,
2 is part of the training de-escalation?

3 A. Yes.

4 Q. And what, in your opinion, was done, from your
5 perspective as a supervisor, to de-escalate the
6 situation with Mr. Maccani?

7 A. Giving him verbal commands and giving him the
8 opportunity to comply.

9 Q. And it sounds like the verbal commands were to
10 put his hands -- to come out, initially, to put his
11 hands up, and to turn around?

12 A. Yes. Correct.

13 Q. Were there any other verbal commands that you
14 heard?

15 A. Well, yeah, "Turn around." "Keep turning
16 around." Yeah.

17 Q. Anything else?

18 A. Not that I -- I remember, no.

19 Q. Anything else that you believe was done to
20 de-escalate the situation with Mr. Maccani?

21 A. Yes. The use of the -- the 40 and the bean
22 bag.

23 Q. Okay. How do you feel that de-escalated it?

24 A. Because they -- officers and myself felt
25 threatened by his actions, you know, with what we

1 perceived to be a sharp object in his hand, and we
2 didn't go straight to -- to lethal. We used our force
3 options, just to try and stop him, which obviously were
4 ineffective.

5 Q. And was that part of the training, to try to
6 use less lethal, when you can?

7 A. Generally, it's, you know -- using the totality
8 of circumstances, yeah, generally, yeah, we would have
9 to. But, like I said, every cir- -- every incident is
10 different.

11 Q. But you believe, as a supervisor, that using
12 the 40-millimeter was a form of de-escalation?

13 A. It's a -- a form, yes.

14 Q. Trying to use that rather than lethal force?

15 A. Correct.

16 Q. And you feel that using the bean bag shotgun
17 was also a form of de-escalation?

18 A. Yes.

19 Q. Again, using that rather than lethal force?

20 A. Right. Correct.

21 Q. Anything else that you can think of that you
22 think was de-escalation?

23 A. Me grabbing him, preventing him from escaping.

24 Q. Okay. Just going hands-on with him rather than
25 using force?

1 A. Correct.

2 Q. And it sounds like you were able to get him up
3 against the wall and get him to the ground?

4 A. Yes.

5 Q. Anything else you can think of, in terms of
6 de-escalation?

7 A. For this situation, no. No.

8 Q. Since this incident, have you been present for
9 any other officer-involved shootings?

10 A. Yes.

11 Q. How many others, since this incident?

12 A. Oh, since this incident? So you're talking
13 about after?

14 Q. Afterwards, yes.

15 A. No, none.

16 Q. Is this the only time you've been present for
17 an officer-involved shooting?

18 A. With me directly involved, yes.

19 Q. And how long have you been a law enforcement
20 officer altogether?

21 A. Eighteen years.

22 Q. And it sounds like -- just doing the math on
23 people you've seen with guns in their hands, knives in
24 their hands, other weapons, it sounds like it's probably
25 been over a hundred times if you added it altogether?

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF BUTTE)

4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing
6 deposition was present remotely and duly sworn to testify
7 to the truth in the within-entitled action on the day and
8 date and at the time and place therein specified;


9 That the testimony of said witness was reported
10 by me in shorthand and was thereafter transcribed through
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and
13 correct transcript of said deposition and of the
14 proceedings which took place;

15 Further, that if the foregoing pertains to the
16 original transcript of a deposition in a federal case,
17 before completion of the proceedings, review of the
18 transcript [] was [] was not requested.

19 That I am a certified stenographic reporter and
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed
22 my hand this 20th day of November, 2025.

23 

24 KIMBERLY D'URSO, CSR NO. 11372, RPR
25